

**SUMMARY MEETING MINUTES**  
**DARIEN ZONING BOARD OF APPEALS (ZBA)**  
**February 12, 2014**

**REGULAR MEETING**

Darien Town Hall - Auditorium – 7:52 to 10:34 PM

ZBA members present: Chuck Deluca, Gary Greene, Vic Capellupo, Jeff Williams and Ruth Anne Ramsey

Staff Present: Code Compliance Officer Robert Woodside and Recorder Judy Fazekas

**OPENING**

ZBA Chair Chuck Deluca opened the meeting at 7:52 PM. He requested cooperation and explained several procedural steps that would be used to conduct the meeting following the posted Agenda.

**CONTINUATION OF PUBLIC HEARINGS**

*The following hearing was continued from the December 11, 2013 and January 22, 2014 meetings with various plans and submitted application materials reviewed, possible correspondence and public comment considered, questions asked, and comments made by the ZBA members and Staff:*

**CALENDAR NO. 68-2013** - The application of Alan Kaufman and Kaufman LLC on behalf of Rosemarie/Scott Reardon regarding the property of James/Janeen Eckert submitted on August 30, 2013 for an appeal of a Planning and Zoning Commission decision per Darien Zoning Regulations Section 1126(a); the ZBA should vacate the July 30, 2013 Planning and Zoning Commission decision and instruct it to undertake the town wide inventory mandated by the DEEP, and after the subsequent adoption of clear guidelines and regulation by the Planning and Zoning Commission, the Eckerts should be permitted to reapply. The subject property is an interior lot accessed from a common drive situated on the east side of Long Neck Point Road approximately 450 feet south of the south intersection with Pear Tree Point Road and is shown on Assessor's Map #61 as Lot #3, being 165 Long Neck Point Road and located in an R-1 (residential) Zone.

Scott Reardon, owner of 169 Long Neck Point Road, answered various questions and explained the appeal as described in the application materials. He also noted that his representative, Alan Kaufman, was unable to attend the meeting.

Attorney Bob Maslan, representing the Eckert's who own the subject property at 165 Long Neck Point Road, objected to various aspects of the appeal.  
The Public Hearing was then closed.

*The following hearing was continued from the November 13, 2013, December 11, 2013 and January 15, 2014 meetings with various plans and submitted application materials reviewed, possible correspondence and public comment considered, questions asked, and comments made by the ZBA members and Staff:*

**CALENDAR NO. 56-2013** - The application of William I. Haslun, II, Esq., and Ivey, Barnum & O'Mara, LLC on behalf of PR Partnership, LLC doing business as Giovanni's - Water's Edge submitted on August 14, 2013 for variances of Sections 381-387, 406, 904 and 927 of the Darien Zoning Regulations; to allow the construction of a one and one half story entry canopy addition, modification of the front dropoff, parking, and landscape areas, and the installation of signage; Sections 381-387: enlargement of a non-conforming building and intensification of a non-conforming use; Section 406: 8.9 in lieu of 30.0 feet minimum required front yard setback and 21.2 in lieu of 20.0% maximum allowable coverage; Section 904: expansion of gross floor area with a possible reduction from the approximately 33 valid parking spaces on a property with deficient existing parking quantity; and Section 927: installation of commercial use ground signage in a residential zone. The property is situated on the south side of the Boston Post Road opposite the intersection of Brookside Drive and is shown on Assessor's Map #54 as Lot #35, being 2748 Boston Post Road and located in an R-1/3 (residential) Zone.

Attorney Chip Haslun reviewed past meeting information, answered various questions, explained the proposal as depicted on the submitted and revised plans and described in the application materials. JoAnne Latoracca also answered various questions on the application. The public hearing was closed and the ZBA subsequently determined that a committee will review the submitted materials and draft findings for deliberation of this application at a future meeting, probably on March 12, 2014.

*The following hearing was continued from the January 15, 2014 meeting with various plans and submitted application materials reviewed, possible correspondence and public comment considered, questions asked, and comments made by the ZBA members and Staff:*

**CALENDAR NO. 1-2014** - The application of Louann M. Heft and Arbonies King Vloik PC and Maslan Associates PC on behalf of Atwood & Cynthia Collins submitted on December 16, 2013 for variances of Section 406 of the Darien Zoning Regulations; to allow the construction of a covered front entry, the construction of a bay window, and the installation of a generator; Section 406: 51.8 in lieu of 65.0 feet minimum required front yard setback as measured from the centerline of Edgehill Drive for the covered front entry; 22.9 in lieu of 40.0 feet minimum required front yard setback and 33.0 in

lieu of 65.0 feet minimum required front yard setback as measured from the centerline of Edgehill Drive for the bay window; 12.6 in lieu of 40.0 feet minimum required front yard setback, 22.6 in lieu of 65.0 feet minimum required front yard setback as measured from the centerline of Edgehill Drive, and 10.0 in lieu of 40.0 feet minimum required rear yard setback for the generator; and 26.2 in lieu of 20.0% maximum allowable buildable coverage. The property is situated on the north side of Edgehill Drive approximately 250 east of the intersection with Searles Road and is shown on Assessor's Map #67 as Lot #43, being 12 Edgehill Drive and located in an R-1 (residential) Zone.

Attorney Bob Maslan and Louann Heft answered various questions and explained the proposal depicted on the submitted plans and described in the application materials. Stephen Gabriel on behalf of a neighboring property expressed concerns on one aspect of the application. The Public Hearing was then closed.

*The following hearing was continued from the January 15, 2014 meeting with various plans and submitted application materials reviewed, possible correspondence and public comment considered, questions asked, and comments made by the ZBA members and Staff:*

**CALENDAR NO. 2-2014** - The application of Amy Zabetakis, Esq. and Rucci Law Group, LLC on behalf of Julio and Amy Serrano submitted on December 16, 2013 for a variance of Section 406 of the Darien Zoning Regulations; to allow the construction of an enlarged garage and a second story addition; Section 406: 13.0 in lieu of 30.0 minimum feet required Concord Lane front yard setback. The property is situated on the northeast corner of the intersection of Hampton Road and Concord Lane and is shown on Assessor's Map #46 as Lot #22, being 8 Hampton Road and located in an R-1/3 (residential) Zone.

Attorney Amy Zabetakis and Amy Serrano answered various questions and explained the proposal depicted on the revised plans and described the application materials. Neighbor Phil Dolcetti supported the application. The Public Hearing was then closed.

## **PUBLIC HEARINGS**

The following hearings were held with various plans and submitted application materials reviewed, possible correspondence and public comment considered, questions asked, and comments made by the ZBA members and Staff:

**CALENDAR NO. 4-2014** - The application of Robert F. Maslan, Jr., Esq. and Maslan Associates PC on behalf of Dean C. & Ann K. Ravosa submitted on January 3, 2014 for an appeal under Section 1122, of the Darien Zoning Regulations, of the order, requirement, decision, and/or determination of the Zoning Enforcement Officer; in

order to allow the existing landscape plantings and change in grade to remain. The property is situated on the south side of Royle Road approximately 725 feet west of the intersection with Mansfield Avenue and is shown on Assessor's Map #6 as Lot #46, being 19 Royle Road and located in an R-1/2 (residential) Zone.

At the applicant's request, the public hearing was opened and immediately continued without testimony to the next scheduled ZBA meeting on March 12, 2014.

**CALENDAR NO. 5-2014** - The application of Michael Vitti on behalf of Noroton Fire Department submitted on January 15, 2014 for variances of Section 406 of the Darien Zoning Regulations; to allow the construction of a one and one-half story detached garage/storage building; Section 406: 10.0 in lieu of 25.0 feet minimum required rear yard setback and 22.1 in lieu of 20.0% maximum allowable building coverage. The property is situated on the northeast corner formed by the intersection of Dickinson Road and Boston Post Road and is shown on Assessor's Map #42 as Lot #7, being 1873 Boston Post Road and located in an R-1/3 (residential) Zone.

Michael Vitti answered various questions and explained the proposal depicted on the submitted plans and described in the application materials. Roy McDonald, Donald Freman and Natalie Kaufman expressed concerns and questioned some parts of the application. Mark Thorne expressed concerns and objections to the application. Noroton Fire Department Chief Alan Hyatt spoke in response to the concerns expressed. The ZBA determined that additional clarification of the project circumstances was necessary. The Public Hearing was then continued to the next ZBA meeting on March 12, 2014.

**CALENDAR NO. 6-2014** - The application of E. Arthur Morin, Jr. and Jacqueline H. Mossa on behalf of contract purchaser Rohit Parwal submitted on January 15, 2014, for variances of Section 406 of the Darien Zoning Regulations; to allow the construction of two story and second story additions; Section 406: 23.7 in lieu of 40.0 feet minimum required front yard setback and 10.3 in lieu of 15.0 feet minimum required side yard setback. The property is situated on the northwest corner formed by the intersection of Middlesex Road and Noroton Avenue and is shown on Assessor's Map #9 as Lot #16, being 288 Noroton Avenue and located in an R-1/2 (residential) Zone.

Attorney Art Morin, Rohit Parwal and Architect Vito Fosella answered various questions and explained the proposal depicted on the submitted plans and described in the application materials. Neighbors Ted & Ning ning Quo expressed concerns about various aspects of the application. The Public Hearing was then closed.

## **DELIBERATIONS AND DECISIONS**

The following decisions were made after the ZBA members reviewed the public hearing comments, the submitted plans and other application materials, and carefully considered possible stipulations to ensure the best possible project fit among the neighboring properties:

**CALENDAR NO. 68-2013** - The application of Alan Kaufman and Kaufman LLC on behalf of Rosemarie/Scott Reardon regarding the property of James/Janeen Eckert, 165 Long Neck Point Road. Upon a motion by Gary Greene, seconded by Vic Capellupo, the ZBA voted 5-0 to DENY the above delineated, requested appeal.

**CALENDAR NO. 1-2014** - The application of Louann M. Heft and Arbonies King Vloik PC and Maslan Associates PC on behalf of Atwood & Cynthia Collins, 12 Edgehill Drive. Upon a motion by Gary Greene, seconded by Vic Capellupo, the ZBA voted 5-0 to DENY IN PART AND GRANT IN PART the above delineated, requested variances.

**CALENDAR NO. 2-2014** - The application of Amy Zabetakis, Esq. and Rucci Law Group, LLC on behalf of Julio and Amy Serrano, 8 Hampton Road. Upon a motion by Ruth Anne Ramsey, seconded by Jeff Williams, the ZBA voted 5-0 to GRANT the above delineated, requested variance.

**CALENDAR NO. 6-2014** - The application of E. Arthur Morin, Jr. and Jacqueline H. Mossa on behalf of contract purchaser Rohit Parwal, 288 Noroton Avenue. Upon a motion by Gary Greene, seconded by Vic Capellupo, the ZBA voted 4-0-1 to DENY the above delineated, requested variances. Those voting in favor of the motion were Gary Greene, Vic Capellupo, Chuck Deluca and Jeff Williams. Ruth Anne Ramsey abstained from voting. State of Connecticut Statutes require 4 affirmative votes out of the 5 voting ZBA members to approve a variance of the Zoning Regulations. Therefore, this request is denied.

## **OTHER BUSINESS**

The following additional decisions were made after the ZBA members reviewed the submitted documents, correspondence and/or project plans:

Approval of Minutes of meeting on December 11, 2013. ZBA members attending this meeting were Vic Capellupo, Gary Greene, Chuck Deluca, Jeff Williams, Ruth Anne Ramsey, and Rich Wood.

Upon a motion by Vic Capellupo, seconded by Chuck Deluca, the ZBA voted 5-0 to APPROVE the subject minutes.

Requested six month extension, received January 14, 2014, to obtain all required permits and begin on-site construction for ZBA Calendar No. 46-2013, Michael A. Tortorella & Nancy V. Tortorella, 7 Sylvan Road. The Public Hearing of this matter was July 17, 2013. Initial ZBA approval would have expired on January 26, 2014.

Upon a motion by Chuck Deluca, seconded by Gary Greene, the ZBA voted 5-0 to GRANT the requested extension.

Requested amendment to the approved plans of Calendar No. 53-2011, Ruth & Ian Crowe, 26 Raymond Street.

Upon a motion by Gary Greene, seconded by Jeff Williams, the ZBA voted 5-0 to APPROVE the requested amendment.

Reconsideration of requirements to obtain a Certificate of Occupancy for project Calendar No. 26-2013, Edmond & Roseann Fitzmaurice, 2 Clock Avenue.

This matter may be moot at this time and was tabled until a possible future meeting.

## **ADJOURNMENT**

The meeting was adjourned at 10:34 PM.

These Meeting Minutes,  
Respectfully submitted February 24, 2014,  
by Robert Woodside,  
Code Compliance Officer  
ZBA Staff

*These Minutes were reviewed by the attending ZBA members, modified as necessary, and upon a motion by Gary Greene, seconded by Vic Capellupo, approved by a vote of 4-0 at the ZBA meeting on April 9, 2014.*